

# LA County MS4 Permit – Watershed Management Program

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## VI. PROVISIONS

### C. Special Provisions: Watershed Management Programs

#### 1. General

- a. The purpose of this Part is to allow Permittees to develop Watershed Management Programs to implement the requirements of this Order on a watershed scale through customized strategies, control measures, and BMPs.
- b. Participation in a Watershed Management Program allows a Permittee to customize the requirements in Part VI.D [Special Provisions: Minimum Control Measures] to address the highest watershed priorities, including achieving compliance with the requirements of Part VI.E and Attachments X through X [Special Provisions: TMDL Provisions].
- c. Customized strategies, control measures, and BMPs shall be implemented on a watershed basis, where applicable, through each Permittee's storm water management program and/or collectively by all participating Permittees through the Watershed Management Program.
- d. The goal of the Watershed Management Programs is to ensure that discharges from the Los Angeles County MS4 (i) achieve applicable water quality based effluent limitations in Part VI.E and Attachments X through X [TMDL Provisions], (ii) do not cause or contribute to exceedances of receiving water limitations in Parts V.A and VI.E and Attachments X through X [Receiving Water Limitations and TMDL Provisions], and do not cause exceedances of non-storm water action levels in Part [TBD – MRP].
- e. Watershed Management Programs shall be developed using the Regional Water Board's Watershed Management Areas. Where appropriate, Watershed Management Areas may be separated into subwatersheds to focus water quality prioritization and implementation efforts by receiving water.
- f. Each Watershed Management Program shall:
  - i. Prioritize water quality issues resulting from storm water and non-storm water discharges from the MS4 to receiving waters within each Watershed Management Area,

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- ii. Identify and implement strategies, control measures, and BMPs to achieve applicable water quality based effluent limitations, receiving water limitations, and/or non-storm water action levels consistent with corresponding compliance schedules in this Order,
- iii. Execute a monitoring and assessment program to determine progress towards achieving applicable limitations and/or action levels in Part VI.C.1.f. ii, and
- iv. Revise strategies, control measures, and BMPs as necessary to maintain progress towards achieving applicable limitations and/or action levels in Part VI.C.1.f.ii.

### 2. Process

#### a. Timelines for Implementation

- i. Each Permittee shall ensure implementation of the following requirements per the schedule specified in Table [TBD] below:

**Table [TBD]**

Part	Provision	Due Date
VI.C.2.b	Notify Regional Water Board of intent to develop Watershed Management Program	6 months after Order adoption
VI.C.2.b	Submit draft plan to Executive Officer	1 year after Order adoption
VI.C.2.c	Submit final plan to Executive Officer	3 months after receipt of Regional Water Board comments on draft plan
VI.C.4	Begin implementation of Watershed Management Program	Upon submittal of final plan
VI.C.6.a.ii	First evaluation of Watershed Management Program and submittal of revisions to plan	1½ years after submittal of final plan
VI.C.6.a.ii	Second evaluation of Watershed	180 days prior to expiration

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Management Program and submittal of revisions to plan	date of Order
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- b. Permittees that elect to develop a Watershed Management Program must notify the Regional Water Board no later than six months after the adoption of this Order.
- c. Permittees that elect to develop a Watershed Management Program shall submit a draft plan to the Executive Officer no later than one year after the adoption of this Order.
- d. Permittees that do not elect to develop a Watershed Management Program shall be subject to the baseline requirements in Part VI.D [MCMs] and shall demonstrate compliance with applicable water quality based effluent limitations in Part VI.E [TMDL] pursuant to subparts VI.E.4 or VI.E.5.

### 3. Program Development

#### a. Identification of Water Quality Priorities

Permittees shall identify the water quality priorities within each Watershed Management Area that will be addressed by the Watershed Management Program. At a minimum, these priorities shall include achieving applicable water quality based effluent limitations and/or receiving water limitations established pursuant to TMDLs, as set forth in Part VI.E and Attachments [TBD] through [TBD] of this Order.

- i. **Water Quality Characterization.** Each plan shall include an evaluation of existing water quality conditions, including characterization of storm water and non-storm water discharges from the MS4 and receiving water quality, to support identification and prioritization/sequencing of management actions.
- ii. **Waterbody-Pollutant Classification.** On the basis of the evaluation of existing water quality conditions, waterbody-pollutant combinations shall be classified into one of the following four categories:
  - (1) **Category 1 (Highest Priority):** Waterbody-pollutant combinations for which water quality based effluent limitations and/or receiving water limitations are

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established in Part VI.E and Attachments [TBD] to [TBD] of this Order.

- (2) Category 2 (High Priority): Pollutants for which data indicate water quality impairment in the receiving water according to the State's Listing Policy.
  - (3) Category 3 (Medium Priority): Pollutants for which there are insufficient data to indicate water quality impairment in the receiving water according to the State's Listing Policy, but which exceed applicable water quality standards.
  - (4) Category 4 (Low Priority): Pollutants for which data do not indicate any exceedances of applicable water quality standards.
- iii. Source Assessment. Utilizing existing information, potential sources within the watershed for the pollutants in Categories 1 and 2 shall be identified.
- (1) Permittees shall identify known and suspected storm water and non-storm water pollutant sources in discharges to the MS4 and from the MS4 to receiving waters and any other stressors related to MS4 discharges causing or contributing to the highest water quality priorities (Categories 1 and 2). The identification of known and suspected sources of the highest water quality priorities shall consider the following:
    - (a) Review of available data, including but not limited to:
      - (i) Findings from the Permittees' illicit discharge detection and elimination programs;
      - (ii) Findings from the Permittees' commercial/industrial facilities pollutant control programs;
      - (iii) Findings from the Permittees' development construction programs;
      - (iv) Findings from the Permittees' public agency activities;
      - (v) TMDL source assessments;

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- (vi) Watershed model results;
  - (vii) Findings from the Permittees' monitoring programs, including but not limited to TMDL compliance monitoring and receiving water monitoring, and
  - (viii) Any other pertinent data, information, or studies related to pollutant sources and conditions that contribute to the highest water quality priorities.
- (b) Locations of the Permittees' MS4s, including, at a minimum, all MS4 major outfalls and major structural controls for storm water and non-storm water that discharge to receiving waters;
  - (c) Other known and suspected sources of pollutants in non-storm water or storm water discharges from the MS4 to receiving waters within the Watershed Management Area.
- iv. Prioritization.** Based on the findings of the source assessment, the issues within each watershed shall be prioritized and sequenced. Watershed priorities shall include at a minimum:
- (1) TMDLs
    - (a) Controlling pollutants for which there are water quality based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term, or TMDL compliance deadlines that have already passed and limitations have not been achieved.
    - (b) Controlling pollutants for which there are water quality based effluent limitations and/or receiving water limitations with interim or final compliance deadlines between September 6, 2012 and September 6, 2017.
  - (2) Other Receiving Water Considerations
    - (a) Controlling pollutants for which data indicate impairment in the receiving water and the findings from the source assessment implicates discharges

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from the MS4 shall be considered the second highest priority.

- b. Selection of Watershed Control Measures
  - i. Permittees shall identify strategies, control measures, and BMPs to implement through their individual storm water management programs, and collectively on a watershed scale, with the goal of creating an efficient program to focus individual and collective resources on watershed priorities.
  - ii. The objectives of the Watershed Control Measures shall include:
    - (1) Prevent or eliminate non-storm water discharges to the MS4 that are a source of pollutants from the MS4 to receiving waters.
    - (2) Implement pollutant controls necessary to achieve all applicable interim and final water quality based effluent limitations and/or receiving water limitations pursuant to corresponding compliance schedules.
    - (3) Ensure that discharges from the MS4 do not cause or contribute to exceedances of receiving water limitations.
  - iii. Watershed Control Measures may include:
    - (1) Structural and/or non-structural controls and operation and maintenance procedures that are designed to achieve applicable water quality based effluent limitations and/or receiving water limitations in Part VI.E and Attachments X through X;
    - (2) Retrofitting areas of existing development known or suspected to contribute to the highest water quality priorities with regional or site-specific controls or management measures; and
    - (3) Stream and/or habitat rehabilitation or restoration projects where stream and/or habitat rehabilitation or restoration are necessary for, or will contribute to demonstrable improvements in the physical, chemical, and biological receiving water conditions and restoration and/or protection of water quality standards in receiving waters.

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iv. The following provisions of this Order shall be incorporated as part of the Watershed Management Program:

(1) Minimum Control Measures

(a) Permittees shall assess the minimum control measures (MCMs) as defined in Part VI.D.4 to Part VI.D.9 this Order to identify opportunities for focusing resources on the high priority issues in each watershed. For each of the following minimum control measures, Permittees shall identify potential modifications that will address watershed priorities:

- (i) New Development/ Redevelopment Program
- (ii) Development Construction Program
- (iii) Industrial/Commercial Program
- (iv) Illicit Connection/Illicit Discharge Detection and Elimination Program
- (v) Public Agency Activities Program
- (vi) Public Information and Participation Program

(b) At a minimum, the Watershed Management Program shall include management programs consistent with 40 CFR section 122.26(d)(2)(iv)(A)-(D).

(c) If the Permittee(s) elects to eliminate a control measure identified in Part VI.D.4 to Part VI.D.9, the Permittee(s) shall provide a justification for its elimination.

(d) Such customized actions, once approved as part of the Watershed Management Program, shall replace in part or in whole the requirements in Part VI.D.4 to Part VI.D.9 for participating Permittees.

(2) Non-Storm Water Discharge Measures. Where Permittees identify non-storm water discharges from the MS4 as a source of pollutants in the source assessment, the Watershed Control Measures shall include strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of

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pollutants consistent with Parts III.A [Discharge Prohibitions – Non-Storm Water Discharges] and VI.D.9 [Special Provisions: Minimum Control Measures – Illicit Connection and Illicit Discharge Elimination Program]. These may include measures to prohibit the non-storm water discharge to the MS4, additional BMPs to reduce pollutants in the non-storm water discharge or conveyed by the non-storm water discharge, diversion to a sanitary sewer for treatment, or strategies to require the non-storm water discharge to be separately regulated under a general NPDES permit.

- (3) TMDL Control Measures. Permittees shall compile control measures that have been identified in TMDLs and corresponding implementation plans. If not sufficiently identified in previous documents, or if implementation plans have not yet been developed (e.g., EPA established TMDLs), the Permittees shall evaluate and identify control measures to achieve water quality based effluent limitations and/or receiving water limitations established in this Order pursuant to these TMDLs.
  - (a) TMDL control measures shall include where necessary control measures to address both storm water and non-storm water discharges from the MS4.
  - (b) TMDL control measures may include baseline or customized activities covered under the general MCM categories in Part VI.D as well as BMPs and other control measures covered under the non-storm water discharge provisions of Part III.A of this Order.
  - (c) The plan shall include, at a minimum, those actions that will be implemented during the permit term to achieve interim and/or final water quality based effluent limitations and/or receiving water limitations with compliance deadlines within the permit term.
- (4) Each plan shall include the following components:
  - (a) Identification of specific structural controls and non-structural best management practices, including operational source control and pollution prevention, and any other actions or programs to achieve all

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- water quality-based effluent limitations and receiving water limitations contained in this Part and Attachments X through X to which the Permittee(s) is subject;
- (b) For each structural control and non-structural best management practice, the number, type, and location(s) and/or frequency of implementation;
  - (c) At a minimum, structural controls shall be sized to treat the volume of stormwater runoff from the 85<sup>th</sup> percentile, 24-hour storm specific to the watershed in question;
  - (d) For any pollution prevention measures, the nature, scope, and timing of implementation;
  - (e) For each structural control and non-structural best management practice, interim milestones and dates for achievement to ensure that TMDL compliance deadlines will be met;
  - (f) The plan shall clearly identify the responsibilities of each participating Permittee for implementation of watershed control measures.
- (5) Permittees shall conduct a Reasonable Assurance Analysis for each TMDL as follows:
- (a) Permittees shall conduct an assessment (through a quantitative analysis / modeling effort) to demonstrate that the activities and control measures identified in the Watershed Control Measures will achieve applicable water quality based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term.
  - (b) Where the TMDL Provisions in Part VI.E and Attachments X through X do not include interim or final water quality based effluent limitations and/or receiving water limitations with compliance deadlines during the permit term, Permittees shall identify interim milestones and dates for their achievement to ensure adequate progress toward achieving interim and final water quality based effluent limitations and/or receiving water limitations with deadlines beyond the permit term.

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- (6) Permittees shall provide documentation that it has the necessary legal authority to implement or compel implementation of the Watershed Control Measures identified in the plan.

### c. Compliance Schedules

Permittees shall incorporate compliance schedules in Attachments [TBD] to [TBD] into the plan and, where necessary develop interim milestones and dates for their achievement. Compliance schedules and interim milestones and dates for their achievement shall be used to measure progress towards addressing the highest water quality priorities and achieving applicable water quality based effluent limitations and/or receiving water limitations.

- i. Schedules must be adequate for measuring progress on a watershed scale twice during the permit term.
- ii. Schedules must be developed for both the strategies, control measures and BMPs implemented by each Permittee within its jurisdiction and for those that will be implemented by multiple Permittees on a watershed scale.
- iii. Schedules shall incorporate the following:
  - (1) Compliance deadlines occurring within the permit term for all applicable interim and/or final water quality based effluent limitations and/or receiving water limitations in Part VI.E and Attachments X through X of this Order,
  - (2) Interim milestones and dates for their achievement within the permit term for any applicable final water quality based effluent limitation and/or receiving water limitation in Part VI.E and Attachments X through X, where deadlines within the permit term are not otherwise specified.
  - (3) For watershed priorities related to addressing exceedances of receiving water limitations in Part V.A and not otherwise addressed by Part VI.E:
    - (a) Milestones based on measureable criteria or indicators, to be achieved in the receiving waters and/or MS4 discharges,

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- (b) A schedule with dates for achieving the milestones as soon as possible, and
- (c) A final date for achieving the receiving water limitations within the permit term.
- (d) The milestones and implementation schedule in (a)-(c) fulfill the requirements in Part V.A.3.a to prepare a Receiving Water Limitations Compliance Report.

### **4. Watershed Management Program Implementation**

Each Permittee shall implement the Watershed Management Program immediately upon approval of the plan by the Regional Water Board Executive Officer.

### **5. Integrated Watershed Monitoring and Assessment**

Permittees in each Watershed Management Area shall develop an integrated program to assess progress toward achieving the water quality based effluent limitations and/or receiving water limitations per the compliance schedules, and progress toward addressing the highest water quality priorities for each Watershed Management Area. The integrated watershed monitoring and assessment program shall be consistent with the general monitoring and assessment requirements of Part [TBD – MRP].

### **6. Adaptive Management Process**

- a. Watershed Management Program Adaptive Management Process
  - i. Permittees in each Watershed Management Area shall implement an adaptive management process, at least twice during the permit term, adapting the Watershed Management Program to become more effective, based on, but not limited to the following:
    - (1) Progress toward achieving interim and/or final water quality based effluent limitations and/or receiving water limitations in Part VI.E and Attachments X through X, according to established compliance schedules;
    - (2) Progress toward achieving improved water quality in MS4 discharges and achieving receiving waters limitations through implementation of the watershed control measures

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based on an evaluation of outfall-based monitoring data and receiving water monitoring data;

- (3) Achievement of interim milestones;
  - (4) Re-evaluation of the highest water quality priorities identified for the Watershed Management Area based on more recent water quality data for discharges from the MS4 and the receiving water(s) and a reassessment of sources of pollutants in MS4 discharges;
  - (5) Availability of new information and data from sources other than the Permittees' monitoring program(s) within the Watershed Management Area that informs the effectiveness of the actions implemented by the Permittees;
  - (6) Regional Water Board recommendations; and
  - (7) Recommendations for modifications to the Watershed Management Program solicited through a public participation process.
- ii. Based on the results of the adaptive management process, Permittees shall report any modifications, including where appropriate new compliance deadlines and interim milestones, necessary to improve the effectiveness of the Watershed Management Program in the Annual Report required pursuant to Part [TBD], or as part of the Report of Waste Discharge (ROWD) required pursuant to Part [TBD].
- (1) The adaptive management process fulfills the requirements in Part V.A.4 to address continuing exceedances of receiving water limitations.
- iii. Permittees shall implement any modifications to the Watershed Management Program upon acceptance by the Regional Water Board Executive Officer.
- b. Jurisdictional Storm Water Management Program Adaptive Management Process
- i. Permittees in the Watershed Management Area shall implement the adaptive management process at least annually with regard to its jurisdictional storm water management program to improve its effectiveness, based on, but not limited to the following:

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- (1) Measurable or demonstrable reductions of illicit discharges to the MS4 based on an evaluation of outfall-based monitoring data;
  - (2) Measurable or demonstrable reductions of pollutants in storm water discharges from the Permittee's MS4 through implementation of the storm water management program based on an evaluation of outfall-based monitoring data;
  - (3) Efficiency in implementing the Watershed Management Program; and
  - (4) Progress toward achieving interim and/or final water quality based effluent limitations and/or receiving water limitations in Part VI.E and Attachments X through X, according to established compliance schedules;
  - (5) Progress toward achieving receiving waters limitations through implementation of the storm water management program based on an evaluation of outfall-based monitoring data and receiving water monitoring data;
  - (6) Regional Water Board recommendations during program and/or site inspections.
- ii. Based on the results of the adaptive management process, the Permittee shall report any modifications, including where appropriate new compliance deadlines or interim milestones, necessary to improve the effectiveness its jurisdictional storm water management program in the Annual Report required pursuant to Provision [TBD], or as part of the Report of Waste Discharge (ROWD) required pursuant to Provision [TBD].
- (1) The adaptive management process fulfills the requirements in Part V.A.4 to address continuing exceedances of receiving water limitations.
- iii. The Permittee shall implement any modifications to its jurisdictional storm water management program upon acceptance by the Regional Water Board Executive Officer.